

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
Eighteenth Region

FEDERATED TELEPHONE COOPERATIVE¹

Employer

and

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 949

Petitioner

Case 18-RC-17592

DECISION AND DIRECTION OF ELECTION

Petitioner seeks to represent a unit of outside plant combination technicians, the central office technician, and the information technology employee employed by the Employer in or out of its Chokio, Minnesota facility. Petitioner and the Employer agree that the general manager, operations manager, marketing CSR manager, accountant, and administrative assistant should be excluded from the unit. However, contrary to the Petitioner, the Employer contends that the unit must include the customer service representatives, the customer service/accountants payable employee and the custodian employed by the Employer. In addition, and again contrary to Petitioner, the Employer contends that the technicians and customer service representative employed by a separate company, Farmers Mutual Telephone, must also be included in the unit.

¹ The Employer's name appears as amended at the hearing.

After carefully reviewing the record, relevant Board cases, and the briefs submitted by the parties, I find that the petitioned-for unit limited to the outside plant combination technicians, the central office technician, and the information technology employee employed by the Employer in or out of its Chokio, Minnesota facility is an appropriate unit.

Under Section 3(b) of the Act, I have the authority to hear and decide this matter on behalf of the National Labor Relations Board. Upon the entire record in this proceeding, I find:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.²
3. The labor organization involved claims to represent certain employees of the Employer.
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
5. The first part of this decision reviews the business of the Employer, including the management hierarchy, the supervision of employees, and the Employer's general

² The Employer, Federated Telephone Cooperative, is a Minnesota corporation with an office and place of business in Chokio, Minnesota, where it is engaged in the business of providing public utilities. During the past calendar year, a representative period, the Employer derived gross revenues in excess of \$1,000,000, and purchased and received goods and services valued in excess of \$50,000 directly from suppliers located outside the State of Minnesota.

policies, wages and benefits. The second section describes the job duties, qualifications and unique terms of employment of the technicians. The third section summarizes the job duties, qualifications, and terms of employment of the customer service representatives. The fourth section is an analysis of the interchange and interaction among the positions. The fifth section is a synopsis of the relationship between the Employer and Farmers Mutual Telephone and of the Employer's contention regarding the relationship's effect on the unit. Finally, I analyze Board precedent and apply it to the facts of this case.

Employer's Business, Management and Supervisor Hierarchy, Policies, Wages and Benefits

The Employer is a cooperative that offers telephone, internet, cable TV, and wireless internet services. A majority of its customers are members of the cooperative, but being a member is not a requirement to be a customer. The customers are both residential and commercial. The Employer has its main office in Chokio, and a second office in Morris, both located in Minnesota. Although not in the record, I take notice of the fact that Chokio and Morris are 13 miles from one another. In addition, the Employer has about nine "line offices," which are buildings containing equipment, but not employees. The Employer's service area is over 800 square miles in the State of Minnesota.

The Employer's general manager is Kevin Beyer, who reports to the Board of Directors. Reporting to Beyer is Marketing/CSR Manager Donna Eul, Accountant Pat Knutson, and Operations Manager Tom Lorenz.

All employees in the unit sought by Petitioner (except the information technology employee) report to Operations Manager Lorenz. No other employees report to Lorenz. All customer service representatives report to Marketing/CSR Manager Eul. The customer service representative/accounts payable employee reports primarily to Eul, but with regard to accounts payable matters reports to Accountant Knutson. No other employees report to Eul or Knutson. It appears that the custodian, information technology employee and administrative assistant report directly to Beyer.

Eul and Lorenz have comparable authority with regard to the employees who report to them. Neither has hiring or firing authority. Lorenz testified that he has participated in interviews for the hiring of technicians, primarily to assess the technical abilities of applicants. Both Lorenz and Eul assign and direct work, authorize vacations, and in Lorenz' case, can discipline employees who report to them (Eul did not testify about her authority to discipline). Lorenz rarely supervises the customer service representatives, but may respond to questions from them if Eul is absent. Similarly, Eul may provide some assistance to technicians in the event Lorenz is absent. However, there is no record evidence that Lorenz has any supervisory role over customer service representatives or that Eul has any supervisory role over technicians.

All of the Employer's employees have the same handbook and benefits. Employees in the unit sought by Petitioner are hourly paid, and except for the information technology employee are paid between \$24.74/hour and \$28.11/hour. The information technology employee is paid \$21/hour. Customer service representatives are paid between \$16.29/hour and \$20.51/hour. The custodian is paid \$12.50/hour, and the administrative assistant is paid \$20.51/hour.

Technician Job Duties, Qualifications and Terms of Employment

The Employer currently employs three outside plant combination technicians – a fourth resigned just before the hearing. Also employed is one lead outside plant technician, whom the Employer and Petitioner agree is in the unit. These technicians perform cable locates, take care of trouble calls from customers, install and maintain wire/cable, and complete service orders. In addition, the lead is responsible for laying out work to be done for new customer service and dividing work among the technicians in the morning when Operations Manager Lorenz is absent.

With regard to the jobs performed by technicians, cable locates are when technicians locate and mark the location of cables so that an excavator that is going to be digging does not damage or cut the cable. Trouble calls involve customer problems with service requiring repair work. Installation of cable/wire is primarily at new home construction, while maintenance could be anywhere in the Employer's system. For example, the Employer has about 3900 access lines that require maintenance. Service orders are requests that change customers' bills, including requests for new service, less service, more service, or removing all service.

While the Employer was not entirely clear on the point, it appears that it prefers that technicians have a commercial driver's license (CDL) because of the type of trucks driven and/or equipment pulled behind the trucks. It appears that it is not necessary to have a CDL in order to be hired, but that most (if not all) technicians acquire a CDL. In addition, the State of Minnesota requires technicians to have power limited licenses (not otherwise explained in the record) although the Employer later claimed it did not require

technicians to have this license. Some, but not all of the technicians have two year degrees in telephone technology.

Technicians report to work every morning in Chokio, spend ½ -1 hour at the Chokio facility, and then are in the field the rest of the day. At the beginning of the workday the technician is assigned calls to make for the day. Additional calls may be assigned to technicians as the day progresses. They work from 8:00 a.m. – 4:30 p.m., Mondays through Fridays. In addition, on a rotating basis, each technician (including the central office technician) is on call from 4:30 p.m. on Monday until the following Monday at 4:30 p.m. (weekend included) to handle trouble calls that cannot be delayed until regular business hours. Technicians receive overtime pay for any work performed while on call, and receive a guaranteed minimum two hours pay for any trouble calls that require visits to the customers' residences or places of business. In addition, on a weekly rotation basis, one technician is assigned to the town of Morris, to handle all calls requiring work in and around Morris. The technician assigned to Morris travels there on a daily basis.

The central office technician maintains equipment located in the Chokio facility that is required to provide service to customers. This includes handling switch problems, upgrading fiber terminals and home fiber equipment, and daily back ups for the switch. The central office technician also maintains the equipment at the nine "line offices" located in different buildings throughout the Employer's geographic service area. The majority of the central office technician's time is spent in the office, although he does assist in the field. The information technology employee also performs work in the field on occasion, in order to assist the technicians.

The information technology employee and the central office technician share an office that is in “the opposite corner” compared to where the customer service representatives are located. The technicians have their own area, separate from the office housing the information technology employee and central office technician.

Customer Service Representative Job Duties, Qualifications and Terms of Employment

The Employer currently employs four customer service representatives, three located in Morris and one in Chokio. In addition, the customer service representative/accounts payable employee is located in Chokio. All of them report to Marketing/CSR Manager Eul.

Customer service representatives answer the telephone or emails from customers. These contacts from customers are because the customer is having a problem with one or more of the services provided by the Employer, because customers want to add to or drop some existing service, or because a new customer wants to begin service or a current customer wishes to drop service. The customer service representative obtains information from the customer including the nature of the problem, when the customer will be at home, and the customer's telephone number. In addition, when a service notifies the Employer of the need for a cable locate (which is initially received by the operations manager, marketing/CSR manager, central office technician or information technology employee), the customer service representative goes onto a system to determine whether the Employer has cable buried in the area. If the Employer does not have cable buried in the area, then the customer service representative closes the file and does not generate a cable locate order.

Sometimes service orders can be handled by the customer service representative. This occurs when the order (such as turning telephone service off or on) requires merely accessing the appropriate computer screen, and then performing the work with a key stroke. Another example is when a customer calls in with a problem, the customer service representative will go through a list of things to try and accomplish the repair, and only if there is no resolution is a trouble ticket generated for the technicians. Customer service representatives never perform work in the field.³

Customer service representatives do not work on call, do not work outside the offices they are not assigned to, and are not required to have any particular licenses. Trouble calls that come from customers after hours are answered by an outside source, and not by the Employer's customer service representatives. The Employer prefers to hire applicants who have a college education for the customer service representative position, but that educational level is not a requirement to be hired. One customer service representative works 7:30 a.m. to 4:00 p.m., and the rest work 8:00 a.m. to 4:30 p.m., Monday through Friday.

Interchange and Interaction

There is no interchange between customer service representatives and employees in the unit sought by Petitioner. That is, customer service representatives never fill in for technicians, and technicians never fill in for customer service representatives. No customer service representative has ever been classified as a

³ The Employer believes it is significant that customer service representatives participate in in-service training one day/year, which involves going out in the field with technicians, and sometimes even, on that day, performing or assisting in the performance of technician tasks. However, the record is clear that this is a training exercise, and that customer service representatives are not otherwise in the field.

technician, and no technician has ever been classified as a customer service representative

There is conflicting evidence in the record regarding the amount of interaction between customer service representatives and employees in the unit sought by Petitioner. However, there is little record evidence of interaction between the customer service representatives and either the central office technician or information technology employee. Moreover, the record is clear that nearly all work-related contact between technicians out in the field and customer service representatives is telephonic rather than in person. These telephone calls relate to a myriad of subjects, including technicians contacting consumer service representatives to close out cable locate orders (once the locate is completed), to close out and bill service orders, to determine whether customers have wire maintenance service contracts with the Employer when wire needs replacing or repair, and to ask the representative whether her end of the call is noisy, when there has been a customer complaint of noise on the telephone line. In addition, consumer service representatives might contact technicians because of changes in information provided by customers or to relay changes in orders. In addition, the Employer points out that the technician assigned to Morris visits the Morris facility up to twice/day, and therefore, would interact in person with the three customer service representatives in Morris. According to the technician who testified, he visits the Morris facility to check equipment to make sure service is on, to use the bathroom, and sometimes to simply visit with the customer service representatives. There is no record evidence regarding any other work-related reason for the technician

to visit the Morris facility. Customer service representatives have no role in assigning calls to technicians.

Relationship Between the Employer and Farmers Mutual Telephone

Farmers Mutual Telephone is a cooperative providing services similar to the Employer, but in a different geographical area. Neither the size nor location of the geographical area is clear from the record. Farmers Mutual Telephone employs one customer service representative in Bellingham, Minnesota. While not in the record, I take notice of the fact that Bellingham is about 60 miles from Chokio. Farmers Mutual also employs two combination technicians. At this time, the Employer's Marketing/CSR Manager Eul supervises Farmers Mutual's customer service representative, but no one connected with the Employer supervises the Farmers Mutual technicians.

At times in the record the Employer suggested that the Employer and Farmers Mutual are merging. However, other record evidence is clear that there is no scheduled merger between the two employers. Rather, for years Farmers Mutual and the Employer have shared marketing services, provided by Donna Eul.

The Employer contends that effective January 1, 2009, all employees employed by the Employer and Farmers Mutual will be combined, and will be employed by an entity named PRIDE Alliance, which will be owned equally by the Employer and Farmers Mutual. The only evidence supporting the Employer's contention are minutes from a June 11, 2008 meeting of the Employer's Board of Directors, which references the intent to combine the employees and transfer them to PRIDE by year-end. Testimony establishes, however, that no definitive agreement has been signed by the

Employer or Farmers Mutual to put into effect the plan. It is also clear that PRIDE Alliance has existed for years, but as a shell company with no business operations.

According to the Employer, when the combination takes place, employees of the Employer and Farmers Mutual will have one handbook, and the same benefits. However, employees will continue to work in or out of the locations where they currently are employed. In addition, according to the Employer, one person currently employed by Farmers Mutual will supervise all technicians, and that person will report to Operations Manager Lorenz. The intent of the combination is to share employees with one another as needed. This sharing has already been occurring with regard to the customer service representatives, and customer service representatives from the Employer have gone to Farmers Mutual's Bellingham location about three times in the last 1 and ½ years. There is no evidence that the Bellingham customer service representative has worked at the Employer's locations.

Analysis

Customer Service Representatives Need Not Be Included in the Unit

In its post-hearing brief the Employer argues that the customer service representatives and custodian must be included in the unit because the Board has established a rebuttable presumption that system-wide units are appropriate for employers which are public utilities. *Alyeska Pipeline Service Co.*, 348 NLRN 808 (2006). However, the presumption is rebuttable, and does not foreclose finding a smaller unit to be appropriate. *Id.* at 809. If "compelling evidence" exists that bargaining is feasible in a smaller unit, then a smaller unit is appropriate. The evidence must show (1) employees in the smaller unit share a substantial community of interest;

(2) the boundaries of the requested unit conform to a well-defined administrative segment and could be established without undue disturbance to the company's ability to perform necessary functions; and (3) there is no bargaining history on a broader basis. *Id.* at 810.

In rejecting the Employer's position on the unit I have assumed that the Board would consider the Employer a public utility, and I have carefully considered the Board's concerns expressed in *Alyeska Pipeline*. However, I note that in *Alyeska Pipeline*, the Board cited with approval *Deposit Telephone Co.*, 328 NLRB 1029 (1999), and that the facts in *Deposit Telephone* are nearly identical to the facts in the instant matter. In *Deposit Telephone* the Board found appropriate a unit of technicians and field employees, excluding customer service representatives. Thus, *Alyeska Pipeline* does not compel a system-wide unit in this case, and *Deposit Telephone* suggests that the unit sought by Petitioner is appropriate.

In reaching a conclusion that the unit sought by Petitioner is appropriate, and that customer service representatives need not be included in the unit, I rely on the facts that the unit employees share similar skills, duties, working conditions and wages that are distinguishable from the customer service representatives, that the two groups are separately supervised, that there is no interchange, and that there is minimal work-related personal contact between the two groups.

First, technicians have unique skills and duties, working conditions and wages. Technicians spend most of their workdays in the field, and either repair or service customer equipment, or maintain or install Employer product. Only the technicians install wire at new construction projects, and only the technicians maintain or replace

Employer wire. Customer service representatives cannot perform these functions. Only the technicians locate underground cable. Customer serviced representatives cannot perform that function. While both technicians and customer service representatives handle and attempt to resolve trouble or service calls, I note that the level of involvement differs substantially. Customer service representatives merely scroll down a computer screen, and if they discover the call can be handled with a key stroke, they take care of the call, and in that event, they do not even generate an order. On the other hand, anything that requires more than a key stroke on a computer results in a trouble or service order that is assigned a technician, who then must visit the customer's location, diagnose the problem, and provide whatever services are necessary. I also note that these differing levels of skills and involvement in customer inquiries are reflected in the wage rates. Except for the information technology employee and one technician who is paid about \$3/hour more, most of the technicians are paid at least \$6/hour more than the highest paid customer service representative. *Deposit Telephone Co.*, supra: *Audiovox Communications Corp.*, 323 NLRB 647 (1997) *Harron Communications*, 308 NLRB 62 (1992).

I recognize that the central office technician and information technology employee spend more time in the Chokio office, and less time in the field than the remaining technicians. However, the central office technician appears to possess the same skills as the technicians in the field, and in fact is in the field himself both to assist the technicians and to maintain equipment at the nine buildings without employees. The evidence also establishes the information technology employee assists in work in the field. Thus, the central office technician and information technology employee are

distinguished from the customer service representatives by their levels of skills and their qualifications to assist other unit employees. In addition, the central office technician and information technology employee have their own office, separate and apart from the customer service representatives, and there is no record evidence suggesting that there is work-related interaction between the central office technician and information technology employee, and the customer service representatives. Finally, of course, neither the central office technician nor information technology employee is supervised by Marketing/CSR Manager Eul. *Deposit Telephone Co.*, supra.

While both technicians and customer service representatives share the same fringe benefits, not all working conditions are the same. Technicians work call, customer service representatives do not. Technicians regularly rotate for work out of the Morris facility, customer service representatives work either in Chokio or Morris, not both. Technicians are required to call on customers after hours if a trouble call cannot wait for regular business hours, customer service representatives do not work after their normal hours.⁴ Finally, whether the Employer requires them for hire or not, both commercial driver's licenses and power limited licenses are highly desirable for technicians, while neither is required for customer service representatives.

Second, the unit sought by Petitioner is separately supervised from the customer service representatives. This separate supervision is significant because Lorenz disciplines, schedule and assigns technicians their work, while Eul performs the same functions for the customer service representatives. I acknowledge that the information technology employee is not supervised by Lorenz, but neither is he supervised by Eul.

Moreover, it appears that the information technology employee possesses sufficient skills to be sent out in the field to assist technicians. The separate supervision of customer service representatives therefore, supports a conclusion that the petitioned-for unit is appropriate for collective bargaining. *Deposit Telephone Co.*, supra; *Harron Communications*, supra.

Third, it is significant that there is absolutely no interchange between technicians and customer service representatives. *Deposit Telephone Co.*, supra. Thus, technicians do not substitute for customer service representatives, and customer service representatives do not substitute for technicians. Nor have there been any permanent transfers between the two groups. This lack of interchange and transfers further support my conclusion that the level of skill and involvement in handling trouble and service calls is significantly different when comparing technicians to customer service representatives.

The Employer makes much of the interaction between technicians and customer service representatives, and I acknowledge that there is indeed telephone contact between the two groups of employees. However, the only technician who testified estimated that the lengths of the calls were little more than a minute each. Moreover, it is telling to note that the majority of the customer service representatives are employed in Morris, while none of the technicians is employed in Morris. This fact suggests that the only interaction required for work between technicians and customer service representatives is telephonic. In this regard I note that the record contains little, and in

⁴ The Employer emphasizes that on occasion a technician working after hours might have to call a customer service representative at her home. However, Manager Eul estimated this might happen 3-4 times in a six-month period, which I view as insignificant.

fact almost no, evidence of day to day face-to-face work related contact between the employees sought by Petitioner and the customer service representatives. *Harron Communications*, supra.

Finally, it is clear that the unit sought by Petitioner conforms to a well-defined administrative segment of the Employer (see *Deposit Telephone Co.*, supra), and that there is no history of collective bargaining in a broader unit.

Employees of Farmers Mutual Telephone Need Not Be Included in the Unit

First, I note that even assuming the Employer's position on this issue were correct, the customer service representative employed by Farmers Mutual Telephone would be excluded from the unit based on my conclusion that the Employer's customer service representatives should be excluded, particularly since Marketing/CSR Manager Eul supervises the customer service representative employed by Farmers Mutual.

Second, I note that Farmers Mutual did not participate in the hearing. This is important because Farmers Mutual has not consented to have its employees in the unit.

Oakwood Care Center, 343 NLRB 659 (2004) (all employers must consent to multi-employer bargaining units).

In any event, I conclude that the alleged combination of employees between the Employer and Farmers Mutual Telephone is neither imminent nor certain. Even according to the Employer, the combination is not to occur for at least five months after issuance of this decision. Moreover, nothing has been reduced to writing between the two parties. While it is clear that the Employer intends for the combination to occur on January 1, 2009, intention is not the same as a definite agreement. *Canterbury of*

Puerto Rico, Inc., 225 NLRB 309 (1976) (employer's stated intention to close is too speculative to bar election).

Finally, even assuming the alleged combination occurs, it is not the case, as claimed by the Employer, that the technicians employed by Farmers Mutual will be accreted into the unit sought by Petitioner and lose their right to vote on union representation. On the contrary, a unit of Farmers Mutual technicians separate from the Employer's technicians may well be appropriate in view of Employer testimony that each group of technicians will continue to work out of the facilities that currently employ them, particularly if interchange between the Employer technicians and Farmers Mutual technicians is as limited as it has been for the customer service representatives of both employers who have been supervised by Eul for the past 1 and ½ years.

The Employer cites *Metro Distributors, Inc.*, 271 NLRB 1388 (1984) in support of its position. However, the facts of *Metro Distributors* differ significantly from the facts in this case. First, *Metro Distributors* involved a consolidation of two groups of one employer's employees, and not an alleged consolidation of two groups of employees currently employed by different employers, one of which has not even been heard on the Employer's position. Second, the Board cites a number of facts that make clear that the consolidation in *Metro Distributors* was certain to happen, in stark contrast to this case where there is nothing more than minutes of the Employer's Board of Directors indicating that the Employer is going forward with plans for the consolidation, but there is no written agreement between the Employer and Farmers Mutual. Finally, the Board is clear that in its view the appropriate unit included all facilities of the Employer, regardless of the consolidation. That conclusion is far different than this

case where the employees the Employer seeks to combine are employed by different employers, the facilities are roughly 60 miles apart, and there is currently no common supervision or interchange between the two groups of technicians.

The following employees of Federated Telephone Cooperative constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time outside plant combination technicians, the lead outside plant technician, the central office technician and the information technology employee employed by the Employer in or out of its Chokio, Minnesota facility; excluding customer service representatives, the administrative assistant, the custodian, the accountant, the general manager, marketing/CSR manager, the operations manager, and guards and supervisors as defined by the Act.

DIRECTION OF ELECTION

An election by secret ballot will be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the Notice of Election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit who were employed during the payroll period ending immediately preceding the date below, and who meet the eligibility formula set forth above. Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced, are also eligible to vote. In addition, in an economic strike which commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Those in the military services of the United States may vote if they

appear in person at the polls. Ineligible to vote are persons who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced.⁵

Those eligible shall vote whether or not they desire to be represented for collective-bargaining purposes by **International Brotherhood of Electrical Workers, Local 949.**

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 – 14th Street, N.W., Washington, D.C. 20570. **This request must be received by the Board in Washington by 5:00 p.m.**

⁵ To ensure that all eligible voters have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses that may be used to communicate with them. Excelsior Underwear Inc., 156 NLRB 1236 (1966); NLRB v. Wyman-Gordon Co., 394 U.S. 759 (1969). Accordingly, it is directed that two copies of an election eligibility list containing the full names and addresses of all the eligible voters must be filed by the Employer with the Regional Director within seven (7) days of the date of this Decision and Direction of Election. North Macon Health Care Facility, 315 NLRB 359 (1994). The Regional Director shall make the list available to all parties to the election. In order to be timely filed, this list must be received in the Minneapolis Regional Office, 330 South Second Avenue, Suite 790, Minneapolis, MN 55401-2221, on or before close of business **July 31, 2008**. No extension of time to file this list may be granted by the Regional Director except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the filing of such list. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.

(EDT) on August 7, 2008. The request may be filed through E-Gov on the Board's website, www.nlr.gov,⁶ but may not be filed by facsimile.

Signed at Minneapolis, Minnesota, this 24th day of July, 2008.

/s/ Robert W. Chester

Robert W. Chester, Regional Director
Region Eighteen
National Labor Relations Board
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⁶ To file a request for review electronically, go to www.nlr.gov and select the E-Gov tab. Then click on the E-filing link on the menu. When the E-file page opens, go to the heading Board/Office of the Executive Secretary and click the "File Documents" button under that heading. A page then appears describing the E-filing terms. At the bottom of the page, check the box next to the statement indicating that the user has read and accepts the E-File terms and click the "Accept" button. Then complete the filing form with information such as the case name and number, attach the document containing the request for review, and click the "Submit Form" button. Guidance for E-Filing is contained in the attachment supplied with the Regional Office's original correspondence in this matter and is also located under "E-Gov" on the Board's website, www.nlr.gov.